

## RESOLUTION NO. R-2006-1546

RESOLUTION APPROVING ZONING APPLICATION DOA/R2006-735  
(CONTROL NUMBER 1981-157)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF GILO REALTY, LLC  
BY LAND RESEARCH MANAGEMENT, INC., AGENT  
(SUNSHINE INTERNATIONAL MARKET)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA/R2006-735 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2006; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/R2006-735, the petition of Gilo Realty LLC, by Land Research Management, Inc., agent, for a Development Order Amendment to allow a requested use for an indoor flea market on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

|                                   |   |        |
|-----------------------------------|---|--------|
| Tony Masilotti, Chair             | - | Aye    |
| Addie L. Greene, Vice Chairperson | - | Aye    |
| Karen T. Marcus                   | - | Aye    |
| Jeff Koons                        | - | Absent |
| Warren H. Newell                  | - | Aye    |
| Mary McCarty                      | - | Aye    |
| Burt Aaronson                     | - |        |

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of August, 2006.

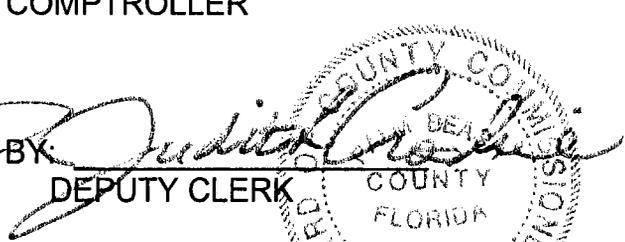
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

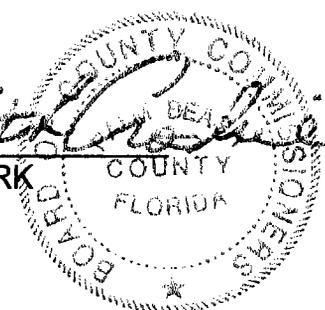


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 247.5 FEET OF THE SOUTH  $\frac{3}{4}$  OF LOT 4, BLOCK 3, SECTION 12, TOWNSHIP 44 SOUTH RANGE 42 EAST, PALM BEACH PLANTATIONS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND: THAT PART OF THE NORTH 247.5 FEET OF THE SOUTH  $\frac{3}{4}$  OF LOT 4, BLOCK 3, ACCORDING TO THE PLAT OF PALM BEACH PLANTATIONS PLAT 1, SHEET 1, AS RECORDED IN PLAT BOOK 10, PAGE 20 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, SAID PART LYING WITHIN 53 FEET OF THE BASELINE OF SURVEY ACCORDING TO THE RIGHT OF WAY MAP OF SECTION 93590-2603, STATE ROAD 809, AS FILED IN MAP BOOK 3, PAGES 72 TO 76, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, PALM BEACH COUNTY, FLORIDA, A PART OF SAID BASELINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, RUN NORTH 02 DEGREES 05'54" EAST, A DISTANCE OF 4786.09 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE NORTHERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 03 DEGREES 11'30" AND RADIUS OF 21,485.94 FEET, A DISTANCE OF 1196.87 FEET TO THE END OF SAID CURVE; THENCE NORTH 01 DEGREES 05'36" WEST, A DISTANCE OF 2068.97 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

PARCEL 2:

THE SOUTH 252.75 FEET OF THE SOUTHEAST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, WHICH IS ALSO DESCRIBED AS THE SOUTH 252.75 FEET OF LOT 4, BLOCK 3, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 20 LESS THE SOUTH 40 FEET THEREOF, AND LESS THE RIGHT OF WAY FOR STATE ROAD 809, INCLUDING PARCELS DESCRIBED IN THE MINUTES CIRCUIT COURT BOOK 56, PAGES 111 AND OFFICIAL RECORDS BOOK 1133, PAGE 410 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

A PORTION OF PARCEL "A", BOUNDARY PLAT, AS RECORDED IN PLAT BOOK 28, PAGE 227 AND 228 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 89 DEGREES 59'57" WEST, ALONG SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 174.79 FEET TO THE POINT OF BEGINNING, OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 89 DEGREES 57'57" WEST, ALONG THE EAST DESCRIBED COURSE, A DISTANCE OF 652.04 FEET; THENCE NORTH, A DISTANCE OF 97.08 FEET; THENCE EAST, A DISTANCE OF 647.45 FEET; THENCE SOUTH 02 DEGREES 42'30" EAST A DISTANCE OF 97.18 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THAT PARCEL CONVEYED TO THE COUNTY OF PALM BEACH BY RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 3690, PAGE 975 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

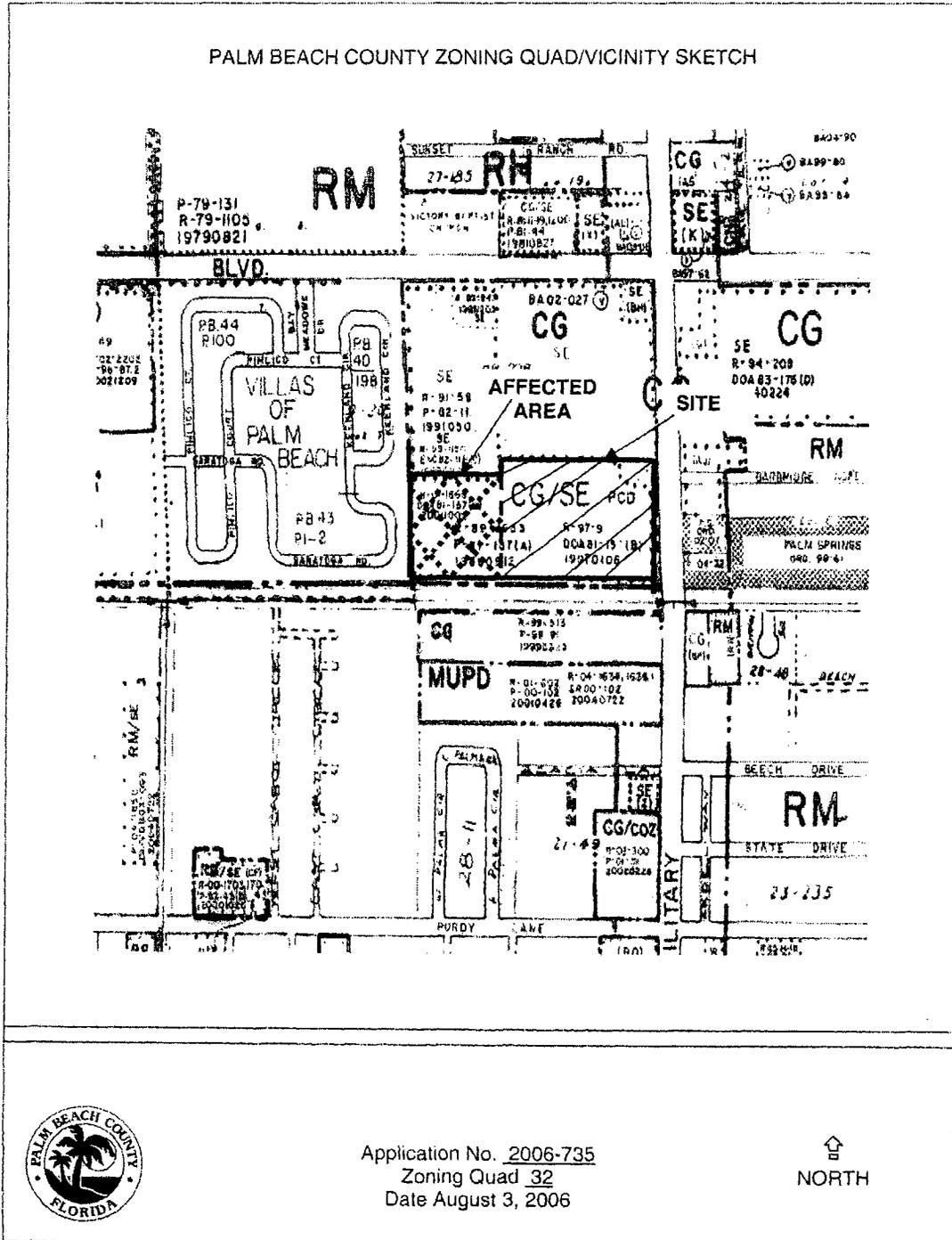
AND FURTHER LESS AND EXCEPTING THAT PARCEL CONVEYED TO OLYMPIA AND YORK – PALM SPRINGS CORP, BY WARRANTY DEED RECORDED IN OFFICIAL

RECORDS BOOK 3741, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: (NOT FIELD SURVEYED)

EASEMENT FOR INGRESS AND EGRESS AS CONTAINED IN DOCUMENTS RECORDED IN OFFICIAL RECORDS BOOK 3654, PAGE 429; OFFICIAL RECORDS BOOK 3654, PAGE 436; OFFICIAL RECORDS BOOK 3741, PAGE 5; OFFICIAL RECORDS BOOK 5896, PAGE 1151 AND OFFICIAL RECORDS BOOK 9295, PAGE 412

EXHIBIT B  
VICINITY SKETCH



Application No. 2006-735  
Zoning Quad 32  
Date August 3, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2001-1669, Petition DOA81-157(C), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-0009 (Petition DOA81-157(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previous established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-1669 (Petition DOA81-157(C)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previous established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 2 of Resolution R-2001-1669, Petition DOA81-157(C), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated May 16, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated June 19, 2006. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW (PARCELS 1 AND 5 )

1. All future development of this project shall comply with Article 5.C of the Palm Beach County Unified Land Development Code. (ONGOING: ARCH REVIEW-Zoning)

BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:

Petitioner shall confirm legal access to Forest Hill Boulevard prior to site plan approval. (DRC: ZONING)

Is hereby deleted. [REASON: Condition completed].

2. Loading areas shall be enclosed with a ten (10) foot wing wall to screen areas from residential property to the west. (ONGOING: DRO: ZONING) (Previous Condition B.2 of Resolution R-2001-1669, Petition DOA81-157(C))

3. Condition B.3 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:  
  
Air conditioning and exhaust equipment shall be roof mounted and screened to at least the same height as such equipment. (DRC: ZONING)  
  
Is hereby deleted. [REASON: Code Requirement].
4. Condition B.4 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:  
  
Prior to final DRC certification, the site plan shall be amended to include a commercial landscape requirements chart. (DRC: ZONING)  
  
Is hereby deleted: [REASON:New condition to meet Technical Req. Manual has been added].
5. Condition B.5 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:  
  
No openings for customer pickup shall be permitted in the fence surrounding the garden center. (DRC: ZONING)  
  
Is hereby deleted: [REASON:No longer applicable].
6. Condition B.8 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:  
  
Prior to final DRC certification, the site plan shall be amended to delineate the location of all 260 trees required per the original approval. (DRC: ZONING)  
  
Is hereby deleted: [REASON:Condition added to meet Technical Requirements Manual].
7. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the site plan to reflect all data as required by the Technical Requirements Manual, update the plan to reflect current site improvements and provide a master sign plan. (DRO: ZONING - Zoning)

## ENGINEERING

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County sixty (60) feet from centerline for the ultimate right-of-way for Military Trail. (ENG) (Previous Condition E.1 of Resolution R-97-0009, Petition DOA81-157(B)) [COMPLETED]
2. Landscape within Median of Military Trail
  - a. Prior to issuance of any building permits or interior modifications, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of Military Trail. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:

MONITORING - Eng) (Previous Condition E.11.A of Resolution R-97-0009, Petition DOA81-157(B)) Part a [COMPLETED]

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.11.B of Resolution R-97-0009, Petition DOA81-157(B)) Part b [COMPLETED]
  - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng) (Previous Condition E.11.C of Resolution R-97-0009, Petition DOA81-157(B))
3. Petitioner shall construct at the project's entrance road and Military Trail:
    - a. Left turn lane, south approach
    - b. Right turn lane, north approach (ENG) (Previous Condition E.2 of Resolution R-97-0009, Petition DOA81-157(B)) [COMPLETED]
  4. Petitioner shall construct at the project's entrance road and Forest Hill Boulevard prior to the issuance of a Certificate of Occupancy:
    - a. Left turn lane, east approach
    - b. Right turn lane, west approach (ENG) (Previous Condition E.3 of Resolution R-97-0009, Petition DOA81-157(B)) [COMPLETED]
  5. Petitioner shall contribute One Hundred Fifty Thousand Dollars (\$150,000.00) within 120 days of Special Exception approval toward the construction program for Forest Hill Blvd. as a four lane median divided section from Congress Avenue on the east to Military Trails on the west as provided for in the 1981-1982 proposed capital outlay program. In the event this roadway improvement is not part of the 1981-1982 capital outlay program the approval of this petition shall be readdressed by the Board of County Commissioners. The terms of this condition to be specifically set forth in a road construction agreement approved by the County Attorney's office. (ENG) (Previous Condition E.4 of Resolution R-97-0009, Petition DOA81-157(B)) [COMPLETED]

NOTE: Forest Hill Boulevard widening is now complete.

6. Condition E.6 of Resolution R-97-0009, Petition DOA81-157(B)) currently states: The petitioner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. The Fair Share Fee for this addition to the Target Discount Store presently is \$2,840.00 (106 trips x \$26.79 per trip). (ENG)

Is hereby deleted: [REASON:Impact fees are now a code requirement]

7. Condition E.7 of Resolution R-97-0009, Petition DOA81-157(B)) currently states: In addition the Developer shall contribute the amount of \$217.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$217.00 shall be paid prior to issuance of the first Building Permit. (ENG) (Previous Condition E.7 of Resolution R-97-0009, Petition DOA81-157(B))

Is hereby deleted: [REASON:Impact fees are now a code requirement]

8. Condition E.8 of Resolution R-97-0009, Petition DOA81-157(B) currently states:

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$217.00 shall be credited toward the increased Fair Share Fee. (ENG) (Previous Condition E.8 of Resolution R-97-0009, Petition DOA81-157(B))

Is hereby deleted: [REASON: Impact fees are now a code requirement]

9. Condition E.9 of Resolution R-97-0009, Petition DOA81-157(B) currently states:  
The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 81-157(B) to be paid at the time of issuance of the Building Permit presently is \$16,665 (303 trips X \$55.00 per trip). (ONGOING: ACCOUNTING - Fair Share Fee Coordinator) (Previous Condition E.9 of Resolution R-97-0009, Petition DOA81-157(B))

Is hereby deleted: [REASON: Impact fees are now a code requirement]

10. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following:
- a. Maximum occupancy of the Bingo Hall shall be limited to 400 persons.
  - b. Weekday hours of operation shall be from:  
12:00 noon - 3:00 pm (afternoon matinee)  
7:00 pm to 10:00 pm (evening game)  
11:00 pm to 1:00 am (ONGOING: CODE ENF-Eng)
  - c. Weekend hours of operation shall be from:  
7:00 pm to 10:00 pm (evening game)  
11:00 pm to 1:00 am. (ONGOING: CODE ENF- Eng) (Previous Condition E.10 of Resolution R-97-0009, Petition DOA81-157(B))

#### HEALTH

1. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previous Condition C.1 of Resolution R-2001-1669, Petition DOA1981-157(C)) (ONGOING: HEALTH - Health)
2. The developer will take necessary precautions to insure there will be no pollutant runoff from this project to adjacent or nearby surface waters. (Previous Condition C.2 of Resolution R-2001-1669, Petition DOA1981-157(C)) (ONGOING: HEALTH - Health)
3. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for the sewage works are constructed and used by project tenants or owners generating such effluents. (Previous Condition C.3 of Resolution R-2001-1669, Petition DOA1981-157(C)) (ONGOING: HEALTH - Health)
4. Condition C.4 of Resolution R-2001-1669, Petition DOA1981-157(C) which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site. (ONGOING: HEALTH - Health)

Is hereby deleted. [REASON: Code requirement]

5. Condition C.5 of Resolution R-2001-1669, Petition DOA1981-157(C) which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH)

Is hereby deleted. [REASON:Code Requirement]

6. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil. (Previous Condition H.1 of Resolution R-2001-1669, Petition DOA1981-157(C) (ONGOING: HEALTH - Health)

#### ZONING - LANDSCAPING

1. Petitioner shall be required to construct a six (6) foot wall along the western property boundary prior to the issuance of a Certificate of Occupancy. (Previous Condition F.1 of Resolution R-2001-1669, Petition DOA81-157(C)) [NOTE: COMPLETED].
2. Prior to the issuance of a Building Permit, the petitioner shall plant foundation landscape area trees and any other trees depicted on the site plan but not planted on site. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2001-1669, Petition DOA81-157(C)) [NOTE: COMPLETED].

#### PLANNING

1. Condition G.1 of Resolution R-2001-1669, Control No. 1981-157, which currently states:

Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the future location of sidewalks along Military Trail since this site is within two (2) miles of a school. (DRC: PLANNING)

Is hereby deleted. [REASON: Completed.]

#### SIGNS

1. Replacement or relocation of the freestanding sign fronting on Military Trail shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point fifteen (15) feet;
  - b. maximum sign face area per side - one hundred (100) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only;
  - e. sign shall be limited to identification of tenant only. (BLDG PERMIT: BLDG - Zoning)
2. Individual lettering size for all new wall mounted signs shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

#### USE LIMITATIONS

1. The hours of operation for the Bingo Hall shall be as follows:
  - a. 7:00 p.m. to 10:00 p.m. (Mon. thru Sun.)
  - b. 11:00 p.m. to 1:00 a.m. (Mon. thru Sun.)
  - c. Noon to 3:00 p.m. (Mon. thru Fri.) (Previous Condition I.1 of Resolution R-2001-1669, Petition DOA81-157(C). (ONGOING: CODE ENF- Zoning)

2. The Bingo Hall shall be limited to a maximum of 400 seats. (Previous Condition I.2 of Resolution R-2001-1669, Petition DOA81-157(C). (ONGOING: CODE ENF-Zoning)
3. The church shall be limited to a maximum of 400 seats and 15,000 square feet. All services shall be held within the church. (Previous Condition I.3 of Resolution R-2001-1669, Petition DOA81-157(C). (ONGOING: CODE ENF- Zoning)
4. Condition I.4 of Resolution R-2001-1669, Petition DOA81-157(C) which currently states:

Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

Is hereby amended to state:

Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year, subject to a special permit, and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING: CODE ENF-Zoning)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)